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E-filed on April 10, 2020
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
 DOUBLE JUMP, INC.
 Debtor.

- ☒ Affects Double Jump, Inc.
- ☒ Affects DC Solar Solutions, Inc.
- ☒ Affects DC Solar Distribution, Inc.
- ☒ Affects DC Solar Freedom, Inc.

Case No. 19-50102-GS
 Chapter 7

Jointly Administered with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

EX PARTE MOTION FOR 2004
EXAMINATION OF FIRST REPUBLIC
BANK

Judge: Hon. Gary Spraker

Creditor SolarSense DCS I, LLC ("SolarSense"), by and through its counsel of record, Richard F. Holley, Esq. and Mary Langsner, Ph.D. of the law firm Holley Driggs and Robert Lapowsky, Esq. of the law firm Stevens & Lee, P.C., hereby files this Ex Parte Motion For 2004 Examination of First Republic Bank ("Motion") pursuant to FED. R. BANKR. P. 2004 and 9016 (which incorporates by reference FED. R. CIV. P. 45), and Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada ("LR") 2004 and 5075(a)(2)(L). Through the Motion, SolarSense respectfully applies ex parte for an order requiring and directing First Republic Bank ("First Republic") to appear as set forth in a subpoena to be issued pursuant to FED. R. BANKR. P. 9016, at a time, place, and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days' written notice by SolarSense, for examination under FED. R. BANKR. P. 2004 regarding the acts, conduct, property,

liabilities, and financial condition of the Debtors¹; as to any matter which may affect the administration of the Debtors' estate(s); and as to any other matter permitted by FED. R. BANKR. P. 2004. This Motion is based upon the Memorandum of Points and Authorities herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL AUTHORITY

A. Examination Under FED. R. BANKR. P. 2004 Is Permitted.

FED. R. BANKR. P. 2004(a) provides, "On motion of any party in interest, the court may order the examination of any entity." Regarding scope of examination, FED. R. BANKR. P. 2004(b) provides in relevant part:

The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan.

And FED. R. BANKR. P. 2004(c) provides in pertinent part:

The attendance of an entity for examination and for the production of documents, whether the examination is to be conducted within or without the district in which the case is pending, may be compelled as provided in Rule 9016 for the attendance of a witness at a hearing or trial.

SolarSense seeks to conduct oral examination of First Republic relating to the acts, conduct, property, liabilities, and financial condition of the Debtors; as to any matter which may affect the administration of the Debtors' estate(s), and as to any matter permitted by FED. R. BANKR. P. 2004, specifically including:

1. To investigate further the manner in which the Debtors conducted their business and financial affairs;
2. To ascertain and investigate potential avoidable transfers made by the Debtors;

¹ Double Jump, Inc.; DC Solar Solutions, Inc.; DC Solar Distribution, Inc.; DC Solar Freedom, Inc. (collectively, the "Debtors").

3. To ascertain and investigate the banking relationship between First Republic and the Debtors, their creditors, or any of their officers or employees;
4. To ascertain and investigate the relationship between First Republic, including any of its agents, employees, or representatives, and the Debtors, their creditors, and prospective and actual business relationships of the Debtors including to ascertain and investigate any accounts held in the name(s) of any Fund(s) having any prospective or business relationship with any of the Debtors, from the origination date of such account(s); and
5. The acts, conduct, property, liabilities, and financial condition of the Debtors and any matter which may affect the administration of the Debtors' estate(s).

The requested discovery from First Republic is within the scope of examination permitted under FED. R. BANKR. P. 2004. In addition, SolarSense seeks to conduct an examination of First Republic to testify on more than fourteen (14) days' notice from the date of filing of this Motion and respectfully proffers that the purpose of the sought-after examination of First Republic is within the scope of FED. R. BANKR. P. 2004 and that the Clerk of Court may sign any Order granting this Motion. Specifically, LR 2004(b) provides:

The clerk may only sign orders for examination if the date set for examination is more than fourteen (14) days from the date the motion is filed. If examination is requested on less than fourteen (14) days' notice, the clerk may not sign. The motion must state whether the examination date has been agreed on, or if there is no agreement, why examination on less than fourteen (14) days' notice is requested.

Accordingly, SolarSense respectfully requests the entry of an order granting this Motion, attached hereto as **Exhibit "A"** in compliance with LR 2004(a).

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Dated this 10th day of April 2020.

/s/ Mary Langsner

STEVENS & LEE, P.C.
Robert Lapowsky (Admitted *Pro Hac Vice*)
620 Freedom Business Center, Suite 200
King of Prussia, Pennsylvania 19406

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EXHIBIT “A”

HOLLEY DRIGGS

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19-50130-gs	DC Solar Solutions, Inc.
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19-50135-gs	DC Solar Freedom, Inc.

ORDER GRANTING EX PARTE MOTION
FOR 2004 EXAMINATION OF FIRST
REPUBLIC BANK

Judge: Hon. Gary Spraker

The Court having reviewed the Ex Parte Motion For 2004 Examination of First Republic Bank (“Motion”) filed by creditor SolarSense DCS I, LLC (“SolarSense”), by and through its counsel of record Richard F. Holley, Esq. and Mary Langsner, Ph.D. of the law firm Holley Driggs and Robert Lapowsky, Esq. of the law firm Stevens & Lee, P.C., and for good cause appearing:

IT IS HEREBY ORDERED that the Motion is **GRANTED**.

1 **IT IS FURTHER ORDERED** that **First Republic Bank** shall appear for an examination
2 under oath before a certified court reporter at a time, place, and date to be mutually agreed upon
3 by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days'
4 written notice by SolarSense, pursuant to FED. R. BANKR. P. 2004, and relating to the acts, conduct,
5 property, liabilities, and financial condition of the Debtors; as to any matter which may affect the
6 administration of the Debtors' estate(s); and as to any matter permitted by FED. R. BANKR. P. 2004,
7 including but not limited to the matters specifically enumerated in the Motion.

8 **IT IS FURTHER ORDERED** that oral examination shall continue from day to day, as
9 necessary until completed.

10 **IT IS SO ORDERED.**

11 Prepared and submitted by:

12 **HOLLEY DRIGGS**

13 _____
14 Richard F. Holley, Esq. (Nevada Bar No. 3077)
15 Mary Langsner, Ph.D. (Nevada Bar No. 13707)
16 400 South Fourth Street, Third Floor
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22 *Attorneys for SolarSense DCS I, LLC*

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HOLLEY DRIGGS

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Holley Driggs, and that on the 10th day of April 2020, I caused to be served a true and correct copy of EX PARTE MOTION FOR 2004 EXAMINATION OF FIRST REPUBLIC BANK in the following manner:

☒ (ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.

/s/ Olivia Swibies
An employee of Holley Driggs